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6 Attorneys for Plaintiff,  
 7 GEORGIA-PACIFIC CONSUMER PRODUCTS LP

8 IN THE UNITED STATES DISTRICT COURT

9 FOR THE SOUTHERN DISTRICT OF CALIFORNIA

10  
 11 GEORGIA-PACIFIC CONSUMER  
 12 PRODUCTS LP, a Delaware limited  
 partnership,

13                         Plaintiff,

14                         v.

15                         LEE'S GENERAL TOYS, INC., a California  
 16 corporation, JOHN LEE, an individual; and  
 DOES 1-100,

17                         Defendants.

) Civil Action No. 07-CV-02391 JAH (POR)  
 )  
 ) **DECLARATION OF ANDREW TOWLE**  
 ) **IN SUPPORT OF PLAINTIFF GEORGIA-**  
 ) **PACIFIC CONSUMER PRODUCTS LP'S**  
 ) **REPLY TO DEFENDANTS' OPPOSITION**  
 ) **TO SUPPLEMENTAL BRIEF IN**  
 ) **SUPPORT OF MOTION FOR**  
 ) **PRELIMINARY INJUNCTION**

1 I, Andrew Towle, hereby declare as follows:

2 1. I am the Vice-President and General Manager of the Retail Tissue Business for  
 3 Georgia-Pacific Consumer Products LP (“Georgia-Pacific”). I have personal knowledge of the  
 4 matters set forth below and could and would testify competently thereto if necessary.

5

6 **Georgia-Pacific’s Marketing and Advertising Efforts Directed Toward Spanish-speaking**  
 7 **Consumers**

8 2. As I alluded to in my previous declaration, filed in support of Georgia-Pacific’s  
 9 *Ex Parte* Application for a Temporary Restraining Order and Order to Show Cause re  
 10 Preliminary Injunction, dated December 20, 2007, Georgia-Pacific purposefully and specifically  
 11 directs substantial advertising for its **ANGEL SOFT®** brand bathroom tissue toward the  
 12 Spanish-speaking market in the United States.

13 3. In particular, in 2007 Georgia-Pacific spent approximately \$3 million in  
 14 advertising focused on the Spanish-speaking market in the United States and we will spend  
 15 another \$3.1 million in advertising focused on the Spanish-speaking market in the United States  
 16 this year in 2008.

17 4. Georgia-Pacific employs an advertising agency, La Agencia de Orci, to assist  
 18 with our advertising in the Spanish-speaking market.

19

20 **Georgia-Pacific’s Spanish Television Commercials**

21 5. In conjunction with La Agencia de Orci, we have developed and aired television  
 22 commercials in Spanish. We pay for these commercials to air nationwide on the top Spanish-  
 23 speaking television channels including Azteca America, Telefutura, Telemundo, Univision, and  
 24 Galavision.

25 6. In the past, we have aired Spanish television commercials entitled  
 26 “Sander/Sneeze” and “Nail/Buffer.”

27 7. I am informed that a DVD containing videos of these commercials is attached as  
 28 Exhibit 1 to Georgia-Pacific’s Notice of Lodgment, filed concurrently. I am also informed that

1 screen shots from these two television commercials are attached as Exhibits 4 and 5 to the  
 2 Declaration of Adam Welland, filed concurrently.

3       8. Currently, we are airing two new television commercials in Spanish which will  
 4 run for the duration of this year and until December 2008, also on the top Spanish-speaking  
 5 television channels including Azteca America, Telefutura, Telemundo, Univision, and  
 6 Galavision. These commercials are entitled "Getting Ready" and "Shower."

7       9. I am informed that a DVD containing videos of these commercials is attached as  
 8 Exhibit 1 to Georgia-Pacific's Notice of Lodgment, filed concurrently. I am also informed that  
 9 screen shots from these two television commercials are attached as Exhibits 6 and 7 to the  
 10 Declaration of Adam Welland, filed concurrently.

11      10. **ANGEL SOFT®** bathroom tissue is one of only two national brands of bathroom  
 12 tissue that airs television advertising in Spanish on these Spanish-speaking television channels in  
 13 the United States.

14

#### 15 Georgia-Pacific's Spanish Radio Commercials

16      11. In conjunction with La Agencia de Orci, we have also developed and aired radio  
 17 commercials in Spanish. We paid for these radio commercials to air in the past in Spanish-  
 18 speaking markets.

19      12. These commercials are entitled "Ursula" and "Yoga Food City Tamales."

20      13. I am informed that a DVD containing audio for these commercials is attached as  
 21 Exhibit 1 to Georgia-Pacific's Notice of Lodgment, filed concurrently.

22

#### 23 Georgia-Pacific's Spanish On-line Advertising

24      14. We have also developed and implemented on-line advertising and promotional  
 25 campaigns directed specifically toward the Spanish-speaking market.

26      15. Attached as Exhibit A is a true and correct copy of a print out of an exemplary on-  
 27 line advertisement.

28 //

1           **Georgia-Pacific's Customer Specific Marketing Programs**

2           16.     We have also previously offered Customer Specific Marketing programs directly  
 3 to customers of our **ANGEL SOFT®** bathroom tissue in the Spanish-speaking market. One  
 4 example of a customer specific marketing event to promote our products is the **ANGEL SOFT®**  
 5 slide that we would send to fairs, carnivals, and other public gatherings in the Spanish-speaking  
 6 market.

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8           **Successful Results of Advertising Directed Toward Spanish-speaking Consumers**

9           17.     As a result of our advertising to the Spanish-speaking market, **ANGEL SOFT®**  
 10 brand bathroom tissue has experienced the highest growth rate with Spanish-speaking consumers  
 11 among branded bathroom tissue.

12          18.     We estimate that there are approximately 10 million Spanish-speaking consumers  
 13 of **ANGEL SOFT®** bathroom tissue found all across the U.S. California is home to the largest  
 14 percentage of Spanish-speaking **ANGEL SOFT®** bathroom tissue consumers.

15          19.     In view of the success of our advertising and marketing efforts in the Spanish-  
 16 speaking market, our future advertising plans and spending will continue to include dollars  
 17 devoted specifically to targeting the Spanish-speaking market.

18        //

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1 I declare under penalty of perjury under the laws of the United States that the foregoing is  
2 true and correct and that this declaration was executed by me on this 4th day of March  
3 2008.

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Andrew Towle

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## **EXHIBIT A**



## 2006 Online Creative (Added Value)



This one is too soft.



This one isn't soft.



**Angel Soft.**  
The paper with the ideal balance.  
Obtain coupon here.